

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THERON KENNETH HOLSTON,

Plaintiff,

v.

G. VIERA ROSA,

Defendants.

No. 2:20-cv-01076-KJM-CKD P

ORDER

Plaintiff is a county inmate proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On September 24, 2021, plaintiff filed a motion to withdraw his request for a temporary restraining order based on his changed conditions of parole. ECF No. 66. The court will grant plaintiff's motion and vacate the Amended Findings and Recommendations issued on July 29, 2021 which recommended granting, in part, and denying, in part, plaintiff's motion for a temporary restraining order. To the extent that plaintiff's motion to withdraw seeks leave to file a second amended complaint, the court will deny the request without prejudice to filing a formal motion to amend along with a proposed third amended complaint.

Additionally, as this case did not settle, the court will reset the deadlines governing the scheduling of this case.

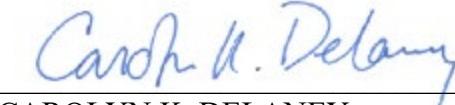
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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's motion to withdraw the request for a temporary restraining order (ECF No.
3 66) is granted.
- 4 2. The Amended Findings and Recommendations issued on July 29, 2021 (ECF No. 62)
5 are vacated.
- 6 3. To the extent that plaintiff's motion seeks leave to file a second amended complaint,
7 the request is denied without prejudice to filing a formal motion to amend along with a
8 proposed second amended complaint. Any motion to amend shall be filed within 30
9 days from the date of this order.
- 10 4. The court modifies the previously issued Discovery and Scheduling Order by
11 extending the discovery cut-off date to January 7, 2022. Any motions necessary to
12 compel discovery shall be filed by that date.
- 13 5. All pretrial motions, except motions to compel discovery, shall be filed on or before
14 April 4, 2022.

15 Dated: October 7, 2021



16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

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